

SIKKIM

GOVERNMENT



GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Wednesday 4th March, 2009

No. 49

**GOVERNMENT OF SIKKIM
OFFICE OF THE P.C.C.F-CUM-SECRETARY
DEPARTMENT OF FORESTS, ENVIRONMENT AND WILDLIFE MANAGEMENT
GANGTOK, DEORALI, SIKKIM- 737 102**

No: 844/.799/FCA/FEWMD

Dated: 23/2/2009

NOTIFICATION

WHEREAS, with the judgment order dated 28.03.2008 and 09.05.2008 passed by the Hon'ble Supreme Court of India in Interlocutory Application NO.566 in Writ Petition (Civil) No.202 of 1995 the rates have been fixed for charging of Net Present Value (NPV) per Hectare of forest Land on the basis of the monetary value of goods and service provided by the forest;

AND WHEREAS, based upon the subsequent direction received from the Ministry of Environment and Forest, Government of India vide their letter No.5-1/2007-FC dated 11.12.2008, it is felt necessary to charge the payment towards cutting, felling, logging and transportation of project affected trees and forest produce in addition to the Compensatory Afforestation Scheme and Net Present Value against the diversion of forest land for non-forestry use of the User Agency under the Forest (Conservation) Act, 1980;

NOW THEREFORE, in pursuant to the above mentioned judgment order of Hon'ble Court and direction of the Ministry of Environment & Forest, GOI in this respect, the State Government hereby orders to recover the payment towards cutting, felling, logging and transportation of the project affected trees and forest produce, from the User Agency as per the Schedule of Rate (SOR) prescribed below, namely:-

- (1) Extraction and Transportation of Timber from
Felling site to the Forest Depot - @ 137.00 per cft or Rs. 4838.00 per cum
- (2) Extraction and Transportation of Firewood from
Felling site to Forest Depot - @ 680.00 per pile
- (3) Extraction and Transportation of Bally/Poles from
Felling site to Forest Depot - @ 85.00/Each
- (4) Rehabilitation, Translocation of existing medicinal plants and
Economically important saplings and herbs/shrubs and
Replanting as per the direction (a) @ 900.00 per 100 Nos (Low altitude)
(b) @ 1350.00 per 100 Nos (High altitude)
2. No payment towards the cost of standing trees and forest produces involved under the project, shall be recovered from the User agency in forest land diversion cases.
3. The disposal of the trees and forest produces standing in the forest land diverted for non-forestry use under the Forest (Conservation) Act, 1980 shall be made as per the guidelines

received from Ministry of Environment & Forest, GOI vide their Letter No. 5-1/ 98-FC (Pt-II) dated 29.03.2005 which are furnished below, namely:-

Sl.No.	Category of land/ forests	Operational Works (Felling of trees, dragging of timber, etc.)	Disposal of timber and sale of proceeds
(1)	Notified Forests	<ul style="list-style-type: none"> * Operational cost to be deposited by the User Agency directly in the name of the concerned Divisional Forest Officer or the Nodal Officer. * Such operation shall be carried out by the State Forest Department. 	<ul style="list-style-type: none"> * Timber shall be disposed of by the State Forest Department in the manner as deemed fit by it and the sale proceeds shall also accrue to the Department.
(2)	Forests/ Plantation Notified as Protected Forests on the land owned by Govt Departments (other than Forest Department)	<ul style="list-style-type: none"> * The User Agency shall be responsible for the operation at the project cost under supervision of the land owning Govt. Department or * According to any other arrangement reached between the user Agency and the land owning Govt. Deptt. 	<ul style="list-style-type: none"> * Timber shall be disposed of by the land owning Govt. Deptt. in consultation with the State Forest Deptt and the sale proceeds shall also accrue to the land owning deptt. or * According to any other arrangement reached between the User Agency and the land owning Govt. Deptt. in consultation with the State Forest Deptt.
(3)	Government land other than Notified Forests.		
(4)	Private Land	<p>The User Agency shall be responsible for the operation at the project cost under supervision of the land owner, or</p> <ul style="list-style-type: none"> * According to any arrangement reached between the user Agency and the land owner. 	<ul style="list-style-type: none"> * Timber shall be disposed of by the land owner in consultation with the State Forest Deptt, and the sale proceeds shall also accrue to him or * According to any other arrangement reached between the User Agency and the land owner in consultation with the State Forest Department.

BY ORDER AND IN THE NAME OF THE GOVERNOR

S.T.Lachungpa, IFS
PCCF-cum-Secretary,
Deptt. of Forest Env. & WL Management,
Government of Sikkim, Gangtok.
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